

Serial No. 09/992,981

**REMARKS/ARGUMENTS****A. 35 U.S.C. §102**

The examiner rejected claims 1, 2, 6-9, 12-18, and 19 under 35 U.S.C. 102(e) as being anticipated by Ross et al. Applicants have amended claim 1 by incorporating the subject matter from claim 4 into it. Accordingly, applicants submit that the anticipation rejection has been overcome.

**B. 35 U.S.C. §103**

The examiner rejected claims 4-5, 10, and 11 under 35 U.S.C. 103(a) as being unpatentable over Ross et al. in view of Nelson et al. Applicants respectfully submit that Ross et al. may not be relied upon in an obviousness rejection because Ross et al. is a 102(e) prior art. The relevant portion of 35 U.S.C. 103(c) reads,

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present invention was assigned to Breed Automotive Technology, Inc on 11/06/2001. A copy of the notice of recordation is transmitted herewith for your convenience. Ross et al. was also assigned to Breed Automotive Technology, Inc. as evident from the first page of the issued patent. Therefore, Ross et al. may not be relied upon for an obviousness rejection, and applicants submit that the obviousness rejection has been overcome. Since dependent claim 4 has been incorporated into claim 1, amended claim 1 should be allowed along with all other pending dependent claims.

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It is believed that the application is now in form and condition for allowance and such action by the examiner is respectfully urged.

Respectfully submitted,



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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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